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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,335	04/04/2001	Ronald O. King	LEAR 0752 PUSP	3923

7590 04/22/2004  
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EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/826,335

Applicant(s)

KING ET AL.

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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***Examiner's Response***

1. In response to applicant's amendment filed 2-2-04, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

***Claim Rejections - 35 USC § 102 & 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-3, 5-7 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder (US 6101428) in combination with Boschini (US 5600323).

Snyder discloses a wireless remote control system and method with command signal transmitter 20 having dual function buttons 36 to transmit a command to receiver 22 connected to signal strength detector 52 and a controller 56 for performing a function of first or second set of functions based on the distance of the transmitter being within or outside a range, respectively, by comparing the signal strength to one or more thresholds. See figs. 2 and 3A and col. 3 line 45 - col. 4 line 25. Further, the signal strength may be reduced for short range

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functions in col. 7. Col. 5 lines 40-54 and col. 6 lines 6-23 disclose an engine/unlock button for long range engine start and short range door unlock and a sunroof/vehicle locate button for long range locate function and short range opening of a sunroof. The locate function includes flashing lights and/or honking horn to allow the user to locate the vehicle. Snyder differs from applicant's claims by not expressly disclosing the door unlock function and the vehicle locate function provided by the same dual function button.

Boschini discloses an analogous art vehicle remote control system with a single touch key to provide a plurality of functions executed accordance to distance between the transmitter and the vehicle. The functions are short range door unlock and long range light illumination. See col. 2 lines 25-32. Col. 1 lines 49-61 describes door unlock at long range being detrimental to security causing the problem of accidental operation while long range operation of lights from a long distance is convenient or desirable for the purpose of "remote inspection of the vehicle, in a parking lot for instance." This remote inspection is considered to be a locate function. Regarding claims 6-7 and 13-14, Boschini discloses plural distance detection thresholds in fig. 2 and col. 3.

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Regarding claims 1-3, 5, 10-12 and 15 it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Snyder the functions of short range door unlock and long range vehicle locate function on a single button as disclosed by Boschini because Snyder discloses providing these two functions by dual function buttons and Boschini discloses the obvious variation in location of parts of providing these to functions on the same multiple function button for increased security and reducing of accidental door unlock while allowing remote inspection or location. The combination is also suggested by both reference describing the distance thresholds used to determine if a valid signal has been received in col. 4 lines 52-66 of Snyder and the abstract and fig 8 (steps S4,S7) of Boschini.

Regarding claims 6-7 and 13-14, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the plural thresholds in the combination applied above because Snyder includes plural thresholds in col. 4 lines 63-64 and Boschini includes plural thresholds in fig 2 and col. 3 to provide a number of intermediate functions.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder (US 6101428) and Boschini (US 5600323)

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as applied above further in view of Nakaya (US 5767688) or Bartel (US 5898230). Nakaya discloses an analogous art wireless vehicle control system with RSSI in col. 4. Bartel discloses an analogous art wireless vehicle control system with RSSI in col. 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the RSSI of Nakaya or Bartel in the combination applied above as an obvious known manner to provide signal strength detection.

5. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder (US 6101428) and Boschini (US 5600323) as applied above further in view of Priest (US 5745842). Priest discloses a digital FM communication with frequency deviation varying corresponding to signal strength. Narrow deviation for closer signals. See cols. 9-10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have limited the range by frequency deviation in the combination applied above in view of Priest disclosing narrow deviation for closer transmitters.

6. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder (US 6101428) and Boschini (US 5600323) as applied above and further in view of Zimmer (US 3760422). Zimmer discloses a short range unlocking device with narrow pulses in col. 4. It would have been obvious to one of ordinary

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skill in the art at the time the invention was made to have limited the range using narrow pulses in the combination applied above in view of Zimmer disclosing short pulses to limit distance.

### ***Response to Arguments***

7. Applicant's arguments filed 2-2-04 have been fully considered but they are not persuasive and/or moot in view of new grounds of rejection. The argument that the previously applied patents lack short range door unlock and long range vehicle locate function on a single button is not persuasive because this is disclosed by Boschini as pointed out in the rejections applied above. Snyder includes dual function buttons based on distance. Snyder includes door unlock as a short range function and vehicle locate as a long range function but does not expressly describe placing these two particular functions on the same key. Boschini discloses this difference. Therefore, the argument that Snyder lacks this difference is made moot by the combination of Snyder and Boschini applied above.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson (US 6386007) discloses a remote control transmitter with single button for short range unlocking and long range locate function.

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Previously applied Robineau also discloses a single button for unlock and locate function selected by distance.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### **CONTACT INFORMATION**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on



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access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 703-305-3028 or toll free at 866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at [ebc@uspto.gov](mailto:ebc@uspto.gov). The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (703) 305-4700 or TC 2600 Customer Service at (703) 306-0377.

Facsimile submissions may be sent via fax number (703) 872-9306 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

EH  
4/19/04

  
EDWIN C. HOLLOWAY, III  
PRIMARY EXAMINER  
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